



**Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting**

July 03, 2013

6:00 PM

Benton County Administration Building
215 East Central Avenue

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:03 PM by Planning Board Chair Mark Curtis.

Roll Call: Mark Curtis, Jim Cole, Starr Leyva, Ashley Tucker, John Pate, and Rick Williams were present. Ken Knight was absent.

Persons present in addition to the Board: Administrator of General Services John Sudduth, Chief Building Inspector Glenn Tracy, Planning Division Manager Rinkey Singh, Planning Coordinator Amber Beale, and Planning Assistant Matt Benton. Twelve (12) members of the public were also present.

Disposition of Minutes: Mr. Tucker moved to approve the minutes. The motion was seconded by Mr. Williams to approve the June 19, 2013 Planning Board Meeting Minutes. The motion carried 6-0

General Public Comment: Marshall Orcutt (address not available) stated he was concerned about flooding. He said the river is being changed more now than ever. He felt all the impervious surfaces were causing the problem and need to be addressed.

Old Business: None

New Business: **A.) New Life Fellowship of Pea Ridge, LSD 13-288, 10326 Highway 72 Bentonville, AR**
Represented by Carol Ash of 6199 Lucas Lane Pea Ridge, AR

Comments from Staff: Staff gave an update on the applicant's proposal. The applicant requested for the following waivers:

- a. A waiver of the \$300.00 commercial/industrial large scale application fee due to the minor nature of the application and futures plans for a church on site.
- b. A waiver from submitting a detailed stormwater detention plan or study due to the minor impervious surfaces proposed on site.
- c. A waiver from engineered drawing due to the minor nature of the proposal.

The applicant stated that there were future plans to construct a church which would fulfill the requirements as part of a larger construction on site.

Staff noted that the applicant had addressed all outstanding issues.

Comments from the Applicant: The applicant stated that she did not have any further comments.

Questions/Comments from the Board: Mr. Tucker asked if the total disturbed area would be greater than one (1) acre. Ms. Beale replied that it would be less than one (1) acre.

Mr. Tucker asked if any changes had been made to the proposal since the Technical Advisory Committee meeting. The applicant replied that no changes had been made.

Ms. Leyva asked if the existing septic system had been abandoned. The applicant replied that the septic would be abandoned when work began on the pavilion. Mr. Curtis asked if there would be any problems making abandonment of the septic tank a stipulation. The applicant replied that she would not have a problem with the proposed stipulation.

Public Comment: None

Vote: Mr. Tucker moved to waive the \$300.00 large scale development fee. His motion was seconded by Ms. Leyva. The motion passed 6-0.

Mr. Tucker moved to waive the requirement for a stormwater management plan. His motion was seconded by Mr. Cole. The motion passed 6-0.

Ms. Leyva moved to waive the requirement for an engineered site plan due to the minor nature of the proposal. Her motion was seconded by Mr. Pate. The motion passed 6-0.

Mr. Williams moved to approve the construction of the pavilion and associated parking with a stipulation on the abandonment of the existing septic tank to the satisfaction of the Health Department. His motion was seconded by Mr. Cole. The motion passed 6-0.

B.) Center Point Contractors, LSD 13-290

Represented by: Shelli McDaniel of 9904 Spanker Creek Road Bentonville, AR

Comments from Staff: Staff stated that the applicants had done their due diligence in contacting the required departments and agencies and had provided additional information to satisfy all outstanding items. Staff noted the Planning Board may consider the following stipulations are added to their decision:

- a. The owner agrees to fulfill all Standard Stipulations.
- b. The applicant shall provide approval from the State Health Department prior to obtaining a building permit.
- c. The applicant shall obtain a driveway and culvert installation permit from the AHTD prior to obtaining a Certificate of Occupancy.
- d. The applicant agrees to pursue the possibility of creating a private drive in the area in consultation with the Benton County Fire Marshal, 911 Administration and abutting property owners and shall provide the status update to the Planning Department.

Comments from the Applicant: Ms. McDaniel had no additional comments.

Questions/Comments from the Board: Ms. Leyva asked the applicant when the application for septic approval was submitted. The applicant replied about a week prior to the meeting. Ms. Beale stated she received confirmation from the Health Department that the septic application had been received.

Public Comment: None

Vote: Mr. Tucker moved to approve the proposal with stipulations. His motion was seconded by Ms. Leyva. The motion passed 6-0.

C.) Siloam Springs Whitewater and Habitat Improvement, LSD 13-283, 19253 Fisher Ford Road

Represented by: Shane Sigle of 485 Arapahoe, Boulder, CO, Don Clark, Community Services Director, City of Siloam Springs and Holland Hayden, Communications Director, City of Siloam Springs were present.

Mr. Cole and Mr. Tucker recused from the discussion of the proposal citing their employment with Wal-Mart and the possible conflict of interest in the proposal owned by the Walton Family Foundation/Fischer Ford LLC.

Staff Comments: Staff gave an updated presentation of the proposed whitewater recreational facility. It was noted that all the outstanding items had been addressed by the applicant.

Staff stated the Planning Board may consider the following stipulations to be added to their decision:

1. The applicant agrees to fulfill all the Standard Conditions.
2. The applicant agrees to commence work on-site after the end of the 30 day public notice period (July 28th) required by ADEQ and that should any changes be required to the site plan as a result of the Public Hearing, the revisions shall be reviewed by the Board.
3. The applicant agrees that if human remains or cultural materials such as Native American pottery, stone tools, old bottles, or china be discovered during project implementation, work in the area of discovery should cease and the applicant immediately contact the Department of Arkansas Heritage.

Comments from the Applicant: Mr. Sigle stated that he had no further comments.

Questions/Comments from the Board: Mr. Curtis noted that Staff would monitor the project and invited the public to come back and voice any concerns that may arise.

Mr. Pate questioned the availability of details of the written plan for the park. Mr. Clark responded that once approved the City of Siloam Springs would begin drafting policy.

Ms. Singh noted that in accordance with the 2012 Donation Agreement between the Walton Family and the City of Siloam Springs, once approved by the Planning Board, the Water Park will be donated to the City of Siloam Springs. A copy of the 2012 Donation Agreement for gift of real property and grant funds is available in the file and on Dashboard. Further, the City of Siloam Springs has provided a service agreement letter confirming the maintenance, operation, management, repair, replacement and improvements to the property.

Public Comments: Richard Welch of 21625 Saw Mill Road stated he lived adjacent to the property where the facility would be located. He wanted to know if lights would be turned off or left on all night. He also wanted to know if the lights would be confined to the triangular parcel. He asked if the roads to the area would have speed limits and whether they would be posted. In addition, he wanted to know if the parking lot would be locked and at what time of day.

Lissa Welch of 21625 Saw Mill Road stated she was concerned about disturbing the rural nature of the area. She said the proposal would turn her view into a parking lot and was hoping more trees could be added for screening on the north side of the proposed parking area. She said she was also concerned with traffic because she rides her horses down the road. Finally, she said she was concerned that the changing stations would be damaged by trees during floods.

Lewis Houston of 21721 Saw Mill Road stated he owned property directly downstream from the proposal. He said he was concerned with people trespassing and starting fires. He also stated he was concerned that the increase of people would disturb the peaceful nature of the area.

Randy Torres of 19208 Fisher Ford Road stated he was concerned with dust from the increased traffic on the gravel road.

Marshall Orcutt (address not available) stated he had a 250 acre farm in the area. He said he was concerned that the floaters from the park would trespass on his property to get back to the park.

Tom Burroughs of 1296 Trussel Street Winslow said he understood all the concerns from the public. He stated, however, the park would be a great opportunity to provide water recreation for the area.

Sarah Orcutt of 15117 Hwy 43 Siloam Springs stated she owned property in the area. She said she was concerned with the issues of trash and sewage. She said she was worried that the City of Siloam Springs would not properly maintain the facility.

Comments from the Applicant: Mr. Sigle stated that the City was working on the design of the lighting system. A lighting plan was submitted and full cut off lights will be used.

Mr. Sigle stated all requirements for access driveways had been met. He noted that several comments had been given about the dirt roads and that he would look into the issue. Mr. Curtis added that the improvements to the Fisher Ford Bridge would increase traffic on the road anyway and that the road would remain gravel as far as he knew.

Mr. Sigle stated the gates on the property would be locked every night and unlocked in the morning. He said the City of Siloam Springs would employ a full-time officer for the park.

Mr. Clark stated that the City of Siloam Springs had made arrangements to maintain the trash and sewer on site. He added that a decision would be made from a public safety standpoint. Mr. Sigle added that in the agreement between the Walton Foundation and the City of Siloam Springs there was a provision to take care of those issues.

Mr. Sigle stated that the north end of the parking lot would be the furthest extent of the lights.

Mr. Sigle stated the changing stations were designed so that they could be repaired easily.

Mr. Clark stated that enforcement of standards at the park would be strict in the beginning. He added that the park will fall within the jurisdiction of the City of Siloam Springs.

Mr. Clark said he wasn't sure of the City of Siloam Springs had extended electricity all the way to the river. Ms. Hayden noted that she will verify this issue.

Mr. Sigle noted that the first step in planning a park is defining access to and from the property. The design deters users from the adjoining properties. If the park user enters the neighbor's property it would be deemed trespassing. He added that walking trails were designed to keep floaters off neighboring properties.

Vote: Ms. Leyva moved to approve the proposal with the stipulations presented by Staff. Her motion was seconded by Mr. Williams. The motion passed 3-0, with Mr. Pate abstaining from the vote.

The Public Hearing ended at 7:32 PM.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 7:30 PM

Old Business: None

New Business: **A.) War Eagle Creekside Treats, LSD 13-293**

Represented by Bruce Covey of 11036 High Sky Inn Road

Comments from Staff: The applicant proposed a mobile vending trailer with ten (10) associated parking spaces. The applicant requested a temporary permit to begin operating on July 4, 2013.

The applicant requested a variance and waivers from the following:

- The applicant proposed an approximate 26 feet setback from the center line of High Sky Inn Road.
- A waiver from submitting a fee of \$300.00 for the commercial/industrial large scale application due to the minor nature of the application.
- A waiver from submitting a detailed or stormwater detention, plan, or study due to the limited impervious surface proposed on site.
- A waiver from engineered drawings due to the minor nature of the proposal.

Staff noted the only outstanding item was the approval letter from the Health Department.

Response from the Applicant: The applicant stated that he had received approval from the Health Department prior to the start of the meeting.

The applicant stated the trailer would only be operating three (3) days per week in the beginning. These initial days of operation would be Thursday, Friday, and Saturday. He planned on operating in the spring and fall only as required. He further stated that his family members, including wife and children would be employed for the operation.

The applicant added that he was requesting a temporary approval for not just July 4th, but also until he could get full approval from the Board.

Questions/Comments from the Board: Mr. Curtis stated a temporary permit had never been granted by the Board before and that the Technical Advisory Committee meeting was not the time when votes were supposed to be held. He added that the applicant would still have to come back for the Public Hearing.

Ms. Leyva asked if there were any stipulations for approval from the Health Department. The applicant replied that there were none. Ms. Leyva asked where the waste water would be disposed. The applicant replied that it would be disposed in his residential septic tank.

Ms. Leyva asked why the applicant needed approval at the intended location on July 4th. The applicant stated that he expected the traffic to be high over the holiday weekend.

Mr. Cole stated he would feel comfortable voting in two (2) weeks to approve the applicant's proposal.

Mr. Tucker said he was concerned with the precedent that would be set by approving a proposal at the Technical Advisory Committee meeting.

Mr. Pate stated he was concerned about approving a project that is being rushed through the planning process.

Mr. Tucker said he would like to hear the waivers before voting. Mr. Curtis replied that the waivers would be voted on at the Public Hearing. He added that the vote would be to temporarily approve the proposal for two (2) weeks.

Vote: Mr. Williams made a motion to approve the proposal. The motion failed to receive a second.

Mr. Sudduth suggested Staff send the applicant a letter to come to planning for formal approval within 30 days. Staff agreed to draft a letter to the applicant.

Discussion Item: Ms. Singh presented updates to the proposed draft regulations on the following matters:

1. Board of Adjustment and Appeals – Final Draft
2. Home and Rural Family Occupations – Final Draft
3. Adult-Oriented Businesses – Final Draft
4. Alcoholic Beverages – Draft
5. Sport Shooting Ranges and Sports Facilities-Draft

Staff Updates: None

The meeting adjourned at 9:17 PM.